



CITY OF MOUNTAIN HOUSE

ORDINANCE NO. 2024-26

AN ORDINANCE AMENDING TITLE 8 OF THE MOUNTAIN HOUSE MUNICIPAL CODE RELATED TO BUILDING REGULATIONS

WHEREAS, the City of Mountain House (“City”) came into existence on July 1, 2024, pursuant to the San Joaquin Local Agency Formation Commission’s Resolution 23-1526 Making Determinations, Approving and Ordering a Reorganization to Include Incorporation of the City of Mountain House, etc. (the “LAFCO Resolution”), which resolution the voters confirmed in an election held on March 5, 2024 within the territory of the City.

WHEREAS, pursuant to Section 10 of the LAFCO Resolution, and Government Code section 57376, the City Council’s first official act on July 1, 2024 was to adopt an ordinance (the “City ordinance continuing County ordinances”) providing that all San Joaquin County (“County”) ordinances previously applicable shall remain in full force and effect as city ordinances for a period of 120 days after incorporation, or until the city council has enacted ordinances superseding the county ordinances.

WHEREAS, on July 1, the City Council adopted a Municipal Code consisting of ten titles, including Title 8, Building Regulations, for the purpose of allowing for the future supersession of the ordinances continued by the City Ordinance continuing County ordinances by way of adding divisions, chapters, and sections to the Municipal Code by City Council ordinance.

WHEREAS, the City Council now desires to amend Title 8, Building Regulations, to add various divisions and chapters adapted without substantive change from the continued County ordinances. The additions supersede the provisions of Title 8 in the County Code that were continued by the City Council on July 1.

NOW THEREFORE, the City Council of the City of Mountain House does ordain as follows:

SECTION 1. Amendment of Title 8. Title 8 of the Mountain House Municipal Code is amended in its entirety to read as set forth in the attached Exhibit A.

SECTION 2. Effective Date. This Ordinance shall take effect thirty days after passage.

SECTION 3. Publication and Posting. The City Clerk shall comply with Government Code section 36933's publication and posting requirements.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

PASSED AND ADOPTED by the City Council of the City of Mountain House, California at a meeting thereof held this 25th day of September 2024 by the following Vote, to wit:

AYES: DISKO, GREEN, HARRISON, TINGLE, MAYOR SU

NOES: NONE

ABSENT: NONE



ANDY SU, MAYOR
City of Mountain House,
County of San Joaquin, State of
California

ATTEST:
MARGARET WIMBERLY
City Clerk of the City of Mountain
House, County of San Joaquin, State of
California

By: 



TITLE 8 BUILDING REGULATIONS

SECTION 5. DIVISION 1. BUILDING STANDARDS

SECTION 6. CHAPTER 1 GENERAL REGULATIONS

8-1-100 Adoption of the California Building Code.

That certain document in book form entitled 2022 California Building Code including Chapter 1, Division II and Appendix Chapters C, I, and J published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2021 Edition of the International Building Code of the International Code Council, one (1) copy of which is available at the Community Development Department, 251 E Main St, Mountain House, California 95391 for examination and use by the public, is hereby adopted and enacted by the City Council as the Building Code of the City except those portions of the 2022 California Building Code which are not adopted or which are amended specifically hereinafter.

8-1-101 Scope and General Requirements.

Section 101 of Chapter 1, Division II, of the 2022 California Building Code is hereby amended to read:

Section 101.1 Title. These regulations shall be known as the Building Code of the City, and hereinafter referred to as “this Code.”

Section 101.4.4 Property Maintenance. The provisions of the Uniform Housing Code, Chapters 4, 5, 6 and Sections 701.2 and 701.3 shall apply to existing residential structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life, and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

8-1-102 Code Compliance Agency.

Section 103 of Chapter 1, Division II, of the 2022 California Building Code is hereby amended to read:

Section 103.1 Creation of Enforcement Agency. The Community Development Department, Building Inspection Division, is hereby created and the official in charge thereof shall be known as the Building Official. The function of the Enforcement Agency shall be the implementation, administration, and enforcement of the provisions of this Code.

8-1-103 Duties and Powers of the Building official.

Section 104 of Chapter 1, Division II, of the 2022 California Building Code is hereby amended to read:

Section 104.7 Department Records. The Building Official shall keep official records of applications received, permits and certificates issued, and fees collected. Such records shall be retained in the official records for the period required for retention of public records.

8-1-104 Permits.

Section 105 of Chapter 1, Division II, of the 2022 California Building Code is hereby amended to read:

Section 105.2 Work Exempt from Permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions for this code or any other laws or ordinances of this jurisdiction.

Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar residential uses, and one-story detached agricultural buildings provided the gross floor area does not exceed 120 square feet (11.15 m²), the height does not exceed 12 feet (3.69 m), and the maximum roof projection does not exceed 24 inches (610 mm). Exemption from a building permit does not include electrical, plumbing, or mechanical installation and does not authorize any work to be done in violation of laws or ordinances including but not limited to planning, zoning, and setback requirements.
2. Fences not over 7 feet (1,829 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are not more than 18 inches (457 mm) deep, and are not greater than 5,000 gallons (18,825 L).
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Groups R-3 and U occupancies.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.
14. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4 of the 2022 California Residential Code.

Section 105.3.2 Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned 12 months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension may be requested verbally or in writing and justifiable cause demonstrated.

Section 105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the work is commenced. The Building Official is authorized to grant, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested verbally or in writing and justifiable cause demonstrated.

Work shall be considered suspended or abandoned if an inspection has not been recorded and approved within 180 days of the last recorded and approved inspection. Before such work can be recommenced, a new permit shall be obtained. The fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made to the original plans and specifications and the suspension or abandonment has not exceeded one year. When plan review is not required by the Building Official the fee shall not include the plan review portion of the full permit fee.

To renew a permit suspended or abandoned for more than one year, the permittee shall pay a new full permit fee unless the project has had an approved rough frame, rough electrical, rough mechanical, and rough plumbing inspection. In this case the Building Official may, on a case-by-case basis, waive the requirement for plans and the renewal fees shall be twenty-five percent (25%) of the full permit fee. When plan review is not required by the Building Official the fee shall not include the plan review portion of the full permit fee.

A notice of code violation may be recorded when a building permit is expired.

8-1-105 Construction Documents.

Section 107 of Chapter 1, Division II, of the 2022 California Building Code is hereby amended to read:

Section 107.2.6.1 Design Flood Elevations. Where design flood elevations are not specified, they shall be established in accordance with Title 9 of the Development Title of the City.

Section 107.3.1 Approval of Construction Documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Approved.” One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

8-1-106 Temporary Structures And Uses.

Section 108 of Chapter 1, Division II of the 2022 California Building Code is hereby deleted and not adopted in the Building Code of the City.

8-1-107 Fees.

Section 109 of Chapter 1, Division II of the 2022 California Building Code is hereby amended to read:

Section 109.2 Schedule of Permit Fees. Where a permit is required for buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations to the aforementioned, a fee for each permit shall be paid in accordance with the fee schedule established by the resolution adopted by the City Council.

Section 109.3 Permit Valuations. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official and shall be based on valuation data supplied periodically by the International Code Council or market value based on local assessment ratios or any other data as may be available to the Building Official for review. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

EXCEPTION: The Building Official shall determine the valuation when no applicable data is available.

Section 109.4 Work Commencing Before Permit Issuance. Any person who commences any work for which a permit is required before obtaining the necessary permits shall be subject to an investigation fee. The investigation fee shall be in addition and equal to the amount of the permit fee required by this Code. The fees shall not be less than the minimum fee set forth by the resolution adopted City Council of the City. The

payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.

Section 109.6 Refunds.

The Building Official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The Building Official may also authorize refunding of not more than 80 percent of the permit fee, excluding any plan review fees paid when no work has been done under a permit issued in accordance with this code. No refunds will be processed for permits more than 365 days from the date of expiration of the issued permit.

8-1-108 Inspections.

Section 110 of Chapter 1, Division II of the 2022 California Building Code is hereby amended to read:

Section 110.3.12.1 Flood Hazard Documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Title 9 of the Development Title of the City shall be submitted to the flood plain administrator prior to the final inspection.

Section 110.5 Inspection Requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing, by telephone or, if such capability exists, by requesting online.

8-1-109 Certificate Of Occupancy.

Section 111 of Chapter 1, Division II of the 2022 California Building Code is hereby amended to read:

Section 111.1 Change of Occupancy. A building or structure shall not be used or occupied in whole or in part, and a change of occupancy of a building or structure or portion thereof shall not be made, until the Building Official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this Code or other ordinances of the jurisdiction shall not be valid.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.
2. For one- and two- family dwellings and their accessory structures, a building permit with an approved final inspection shall be considered the certificate of occupancy.

Section 111.2 Certificate Issued. Prior to requesting a final inspection, it shall be the duty of the holder of the building permit or their duly authorized agent to obtain approvals from all agencies identified on the certificate of occupancy routing form. After the Building Official inspects the building or structure and does not find violations of the provisions of this Code or other laws that are enforced by the Community Development Department, Building Inspection Division, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. Where an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

8-1-110 Unsafe Structures And Equipment.

Section 116 of Chapter 1, Division II of the 2022 California Building Code is hereby deleted and replaced by Title 8, Division 5, Housing and Nuisance Abatement Code of the Mountain House Municipal Code.

8-1-112 Adoption Of California Residential Code.

That certain document in book form entitled the 2022 California Residential Code including Appendix Chapter AH published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2021 Edition of the International Residential Code of the International Code Council, one (1) copy of which is available at the Community Development Department, 251 E

Main St, Mountain House, California 95391 for examination and use by the public, is hereby adopted and enacted by the City Council as the Residential Code of the City except those portions of the 2022 California Residential Code which are not adopted or which are amended specifically hereinafter.

8-1-112.1 Administration. Chapter 1, Division II of the 2022 California Residential Code is not adopted. Chapter 1, Division II of the 2022 California Building Code as amended by this Title shall be used to administer the Residential Code of the City.

8-1-113 Adoption Of California Electrical Code.

That certain document in book form entitled the 2022 California Electrical Code published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2020 Edition of the National Electrical Code of the National Fire Protection Association, one (1) copy of which is available at the Community Development Department, 251 E Main St, Mountain House, California 95391 for examination and use by the public, is hereby adopted and enacted by the City Council as the Electrical Code of the City except those portions of the 2022 California Electrical Code which are not adopted or which are amended specifically hereinafter.

8-1-113.1 Administration. Chapter 1, Division II of the 2022 California Building Code as amended by this Title shall be used to administer the Electrical Code of the City.

8-1-114 Adoption Of California Mechanical Code.

That certain document in book form entitled the 2022 California Mechanical Code” excluding Appendix Chapters A through G published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2021 Edition of the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, one (1) copy of which is available at the Community Development Department, 251 E Main St, Mountain House, California 95391 for examination and use by the public, is hereby adopted and enacted by the City Council as the Mechanical Code of the City except those portions of the 2022 California Mechanical Code which are not adopted or which are amended specifically hereinafter.

8-1-114.1 Administration. Chapter 1, Division II, of the 2022 California Mechanical Code, Sections 101.0-102.8, 105.0-105.2.2, 105.3-105.4, in addition to Chapter 1, Division II of the 2022 California Building Code as amended by this Title shall be used to administer the Mechanical Code of the City.

8-1-115 Adoption Of California Plumbing Code.

That certain document in book form entitled the 2022 California Plumbing Code” excluding Appendix Chapter E published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2021 Edition of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, one (1) copy of which is available at the Community Development Department, 251 E Main St, Mountain House, California 95391 for examination

and use by the public, is hereby adopted and enacted by the City Council as the Plumbing Code of the City except those portions of the 2022 California Plumbing Code which are not adopted or which are amended specifically hereinafter.

8-1-115.1 Administration. Chapter 1, Division II, of the 2022 California Plumbing Code, Sections 101.0-102.8, 104.1-104.2, 105.2-105.2.2, 105.3-105.4, in addition to Chapter 1, Division II of the 2022 California Building Code as amended by this Title shall be used to administer the Plumbing Code of the City.

8-1-116 Adoption Of California Green Building Standards Code.

That certain document in book form entitled the 2022 California Green Building Standards Code excluding Appendix A4, A5 and A6.1 published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, one (1) copy of which is available at the Community Development Department, 251 E Main St, Mountain House, California 95391 for examination and use by the public, is hereby adopted and enacted by the City Council as the Green Building Standards Code of the City except those portions of the 2022 California Green Building Standards Code which are not adopted or which are amended specifically hereinafter.

8-1-117 Intent.

It is the intent of this Division to specify enforcement procedures for violations of Title 8, Division 1 be performed in compliance with Title 1, Division 2.

SECTION 7. DIVISION 2. SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

SECTION 8. CHAPTER 1 PERMITTING PROCEDURE

8-2-100 Definitions

Unless otherwise specified the following definitions shall be applicable throughout this division:

“Department” means the City, Community Development Department, Building Division.

“Electronic submittal” means the utilization of one or more of the following:

- (a) E-mail.
- (b) The internet.
- (c) Facsimile.
- (d) “Small residential rooftop solar energy system” means all of the following:
 - (1) A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.

(2) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and Paragraph (iii) of Subdivision (c) of Section 714 of the Civil Code, as such Section or subdivision may be amended, renumbered, or redesignated from time to time.

- (3) A solar energy system that is installed on a single or duplex family dwelling.
- (4) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.
- (e) “Solar energy system” has the same meaning set forth in Paragraphs (1) and (2) of Subdivision (a) of Section 801.5 of the Civil Code, as such Section or Subdivision may be amended, renumbered, or redesignated from time to time.

8-2-101 Permitting Process.

The expedited, streamlined permitting process for small residential rooftop solar energy systems shall comply with the applicable requirements contained in Division 1, Chapter 1 of the Mountain House Municipal Code and all the following:

- (a) The Department shall develop a checklist of all requirements that small rooftop solar energy systems must comply with to be eligible for expedited review.
- (b) The checklist and required permitting documentation shall be published on a publicly accessible internet website.
- (c) As allowed by available resources, the Department shall allow for electronic submittal of a permit application and associated documentation and shall allow electronic signature in lieu of a wet signature.
- (d) The Department shall determine whether the application and supporting documentation are complete and meet all requirements of the California Building Standards Codes and then shall promptly approve or deny the application in writing.
- (e) If the application is approved, the Department shall issue all required permits.

8-2-102 Inspection Process.

Small residential rooftop solar energy systems eligible for expedited, streamlined permitting process shall only require one (1) inspection, unless the installation is found to be out of compliance with the California Building Standards Codes or a separate fire safety inspection is required. Inspection requests shall be made in compliance with Division 1, Chapter 1 of this Title.

SECTION 9. DIVISION 3. EXPEDITED, STREAMLINED PERMITTING OF ELECTRIC VEHICLE CHARGING STATIONS.

SECTION 10. CHAPTER 1 PERMITTING PROCEDURE

8-3-100 Purpose.

The purpose of this Chapter is to create an expedited, streamlined permitting process for electric vehicle charging stations. This Chapter is adopted pursuant to California Government Code Section 65850.7.

8-3-101 Definitions.

Unless otherwise specified the following definitions shall be applicable throughout this division:

“Department“ means the City’s Community Development Department.

“Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical as amended and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

“Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

“Electronic submittal” means the utilization of one or more of the following:

1. Electronic mail.
2. The internet.
3. Facsimile.

8-3-102 Expedited Permitting Process.

The Department shall implement an expedited, streamlined permitting process for electric vehicle charging stations and develop a checklist of all requirements with which electric vehicle charging stations applications shall comply in order to be eligible for expedited permitting. The application and checklist shall be made available on the Department’s website.

8-3-103 Permit Application Processing.

(a) Prior to submitting an application and checklist for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have a specific, adverse impact to public health and safety and building occupants.

(1) Verification by the applicant includes but is not limited to:

- (i) Electrical system capacity and loads;
- (ii) Electrical system wiring, bonding, and overcurrent protection;
- (iii) Building infrastructure affected by charging station equipment and associated conduits; and
- (iv) Areas of charging station equipment and vehicle parking.

(b) The applicant shall submit a permit application and checklist on forms provided by the Department along with any required fee. The Department shall review the application and checklist to determine whether it is complete and eligible for expedited permitting.

(1) Completeness of applications:

- (i) If the Department determines the permit application and checklist include all required information, is eligible for expedited permitting, and the electric vehicle charging station would not have an adverse impact on public health or safety, then the Department shall deem the application complete;
- (ii) If the Department then determines that the complete permit application and checklist meet all requirements pursuant to the electrical code as adopted by the City then the Department shall approve the application and issue all required permits;
- (iii) If the Department finds that the application or checklist are incomplete, the Department shall issue a written correction notice to the applicant detailing all deficiencies in the application or checklist and identify any additional information necessary to be eligible for expedited permitting.

(c) The Department shall allow for electronic submittal of permit applications covered by this Code. In accepting such permit applications, the Department shall also accept

electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by the applicant.

8-3-104 Technical Review.

(d) The Department shall confirm information provided in the application and checklist is consistent with all applicable laws and health and safety standards and shall not require any discretionary use permit.

(e) The Department shall not condition the approval for any electric vehicle charging station permit on the approval of a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

SECTION 11. DIVISION 5. HOUSING AND NUISANCE ABATEMENT CODE

SECTION 12. CHAPTER 1 GENERAL REGULATIONS

8-5-100 Finding oof Public Interest.

The City Council finds that in enacting the State Housing Law the California Legislature established a complete system of regulations governing the erection, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, and use of all apartment houses, hotels, motels, dwellings, buildings, and structures in the State of California.

The City Council finds is in the best interest of the public to provide for the abatement of nuisances and substandard or hazardous buildings not covered under the State Housing Law.

8-5-101 Adoption of State Housing Law.

The City adopts, except as specifically amended by this Code, the “State Housing Law” as set forth in Health and Safety Code Section 17910 et seq. The State Housing Law is adopted by reference under the provisions of Sections 50022.1 through 50022.8 of the Government Code as fully as though set forth herein.

8-5-102 Adoption of the International Conference of Building Officials’ Uniform Code for the Abatement oof Dangerous Buildings.

There is adopted, except as specifically amended herein, the International Conference of Building Officials’ Uniform Code for the Abatement of Dangerous Buildings,” 1997 edition, one (1) copy of which is on file at City Hall. The International Conference of Building Officials’ Uniform Code for the Abatement of Dangerous Buildings is adopted by reference under the provisions of Sections 50022.1 through 50022.8 of the Government Code as fully as though set forth herein.

8-5-103 Definitions.

Except as otherwise provided in this Section, all terms used in this division shall be given the definitions contained in the State Housing Law, or in the regulations adopted pursuant

thereto, unless it clearly appears from the context of this division that a different meaning is intended.

(a) “Appeals Board” means the City Council.

(b) “Building Official” means the Building Official of the City or authorized representative.

(c) “Enforcement agency” means the Community Development Department of the City, acting through its director or designee, or Public Health Services of San Joaquin County, acting through the Health Officer or designee.

(d) “Fire Warden” is the City Manager or the City Manager’s designee.

(e) “Floating home” means any barge, boat, or building containing living quarters, designed to float but not reasonably capable of navigating under its own power.

(f) “Mobilehome” means a mobilehome as defined in Section 18008 of the Health and Safety Code and intended for permanent or semi-permanent use outside mobilehome parks or trailer parks licensed by the State Department of Housing and Community Development.

(g) “Nuisance” means any nuisance defined pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code, anything declared elsewhere in this Code to be a nuisance, or any other form of nuisance recognized at common law or in equity, including, but not limited to, abandoned wells, excavations, septic tanks, accumulation of garbage and trash, vectors, hazards, unsanitary conditions, and substandard places of human habitation and substandard conditions which are not covered by Sections 8-5-501 or 8-5-102 of this Chapter.

(h) “Place of human habitation” means any structure, mobilehome, recreational vehicle, floating home, shelter, or building used or designated for human habitation, including all fences and appurtenances attached thereto and including all buildings on the same property that are supplemental to the habitation. “Place of human habitation” includes a floating home but does not include a mobilehome or recreational vehicle which is located within a mobilehome park or other trailer park regulated by the State of California under the provisions of Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code or a labor camp coming within the provisions of Chapter 4 (commencing at Section 2610) of Part 9, Division 2 of the Labor Code.

(i) “Recreational vehicle” means a recreational vehicle as defined in Section 18010 of the Health and Safety Code and intended for use outside mobilehome parks or trailer parks licensed by the State Department of Housing and Community Development.

(j) “Substandard place of human habitation” means any place of human habitation, or portion thereof, in which there exists any condition as defined in Section 17920.3 of the Health and Safety Code to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof.

8-5-104 Reserved.

8-5-105 Inspection and Enforcement.

(a) The Enforcement Agency shall administer, inspect, and take such action as may be required to enforce this Division.

(b) Pursuant to Health and Safety Code section 17970.7, where an Enforcement Official has determined after inspection that a building with multiple units contains a substandard place of human habitation, or is in violation of Health and Safety Code section 17920.10 relating to lead hazards, and the Enforcement Official determines that the defects or

violations have the potential to affect other units of the building, then the Enforcement Official shall:

- (1) Conduct an assessment taking into account factors, including, but not limited to, the building's age, type of construction, and size; the cause(s) of the substandard condition(s); and the building's history of violations, if any; and
- (2) Make a reasonable attempt to inspect additional units at the building, including at least units adjacent to, above, and below the unit in which the defect or violation was found. If severe, building wide defects or violations are found during such inspection, then all units in the building shall be inspected.
- (c) If after conducting the assessment and inspections required under subsection(b), the Enforcement Official determines that a substandard condition in a unit could reasonably affect other units in the building, then the City shall provide the property owner with a notice or order to repair or abate within a reasonable time after the inspection is completed which shall include each known violation and of each action required to remedy the violation. The Enforcement Official shall also schedule a reinspection to verify correction of the violations noted in the notice or order to repair or abate.
- (d) All corrections ordered by the Enforcement Agency shall be undertaken only after securing all necessary permits.
- (e) For the purpose of enforcement of this division, the Fire Warden or designee of the City may enforce the provisions of this division relative to fire safety. The Fire Warden is the City Manager or the City Manager's designee.
- (f) All enforcement action under this division shall be stayed during an appeal pursuant to this Division, except where otherwise specified.

8-5-106 Appeals.

- (a) All appeals pursuant to this division must conform to the requirements of Section 501 of the International Conference of Building Officials' Uniform Code for the Abatement of Dangerous Buildings.
- (b) All appeals regarding enforcement of the State Housing Law and the International Conference of Building Officials' Uniform Code for the Abatement of Dangerous Buildings will be heard by the City Council. The decision of the City Council shall be final.
- (d) All appeals to the City Council must be received by the City Clerk no later than 4:30 p.m. on the last day to appeal.

SECTION 13. CHAPTER 2 NUISANCES

8-5-200 Violation To Permit Or Maintain A Nuisance.

It is a violation of this Division for any property owner to permit or maintain a nuisance on his property

8-5-201 Abatement Procedure.

Notwithstanding any other provision of this division, any violation of this division may be abated pursuant to Division 2 of Title 1.

SECTION 14. CHAPTER 7 SECUREMENT OF UNSAFE CONDITION

8-5-700 Findings For Securing Unsafe Conditions.

The City Council finds that the existence of an unsafe condition on a property that is not secured from access by the general public is a public nuisance. The City Council further finds that the existence of an unsecured structure, open well, open septic tank, excavation or other hazardous condition which may affect the health and safety of any person or domestic animal is a public nuisance. The following securement provisions of this code have been implemented to protect public health and safety on an emergency basis and are not intended to replace the due process provisions required for the removal of substandard conditions (abatement). It is the intention of these provisions to require and/or initiate securement through boarding up of structures, providing fencing, covering open well casing, providing suitable covering for an open septic tank or other excavation and other means to protect health and safety.

8-5-701 Unlawful Not To Secure After Notice.

It is unlawful for any owner, agent, lessee or person having charge or control of any unsecured, unsafe property condition within the City to refuse or neglect to secure said unsafe condition, hereinbefore declared to be a public nuisance, after notice from the Enforcement Agency.

8-5-707 Resecurement Without Notice.

The Enforcement Agency may resecure a condition without notice if it becomes unsecured and was initially secured by the Enforcement Agency. However, conditions which have become unsecured and which were initially secured by the responsible person, in accordance with this Chapter, shall cause a second notice to be issued.

8-5-709 Severability.

If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or application of the act which be given affect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 15. DIVISION 7. ENFORCEMENT PROCEDURES

SECTION 16. CHAPTER 1 ENFORCEMENT PROCEDURES

8-7-100 Intent.

This Division specifies the enforcement procedures for violations of the California Building Code (Section 8-1-100), California Electrical Code (Section 8.1.113), California Plumbing Code (Section 8-1-115), and California Mechanical Code.

8-7-101 Enforcement Procedures.

The Building Official shall follow the procedures set forth in Division 2 of Title 1.